THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 15th November 1949.

The House met in the Council Chamber, Fort St. George, at 2-30 p.m., Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Judgments of the Madras High Court on certain Habeas Corpus *applications.*

* 11 *Q.*—SRI R. SURYANARAYANA RAO : Will the Hon. the Premier be pleased to state—

(*a*) whether the Government have obtained and perused the judgments of the Madras High Court in the *Habeas Corpus* applications dealt with by that Court;

(*b*) whether it is a fact that in many cases a person is often arrested first and a complete and proper enquiry is set on foot only after the arrest;

(*c*) what steps, if any, have been taken by Government to ensure that a person is not detained even for a single day unreasonably and without justification;

(*d*) what steps have been taken by the Government to ensure that the representations made by the detenus are placed before the Advisory Council without undue delay;

(*e*) whether it is a fact that delay in the submission of remarks on the representations of detenus by the District Magistrates has resulted in unnecessary delay in the consideration of cases by the Advisory Council; and

(*f*) what steps have been taken by the Government to avoid unnecessary delay at all stages to assist the speedy disposal of representations?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. the Premier) :—" **(*a*) Yes.**

" **(*b*) No.**

" " (*c*) Instructions have been issued to the detaining authorities laying down clearly the circumstances under which detention should be ordered. The detaining authorities are expected to issue warrants of detention only after fully satisfying themselves as required under section 2 (1) of the Madras Maintenance of Public Order Act. Detentions ordered by the detaining authorities are immediately reported to Government together with the grounds of detention and such reports and grounds are carefully scrutinized by Government to see if the action taken is justified. Such

scrutiny has revealed that generally detentions have been ordered for sufficient reasons and with sufficient justification.

" (*d*) As soon as the representations of the detenus are received by the Government the detaining authority is consulted on the statements made by the detenus which often contain denials of the grounds communicated to them. These reports are generally obtained from the district authorities within a week or ten days. Together with these remarks the cases of the detenus are placed before the Advisory Council constituted under the Act.

" (*e*) A few cases have arisen in the past but at present no unnecessary delay is caused in obtaining the remarks of the district authorities on the representations of the detenus.

" (*f*) All possible precautions have been taken by the Government to avoid delay at each and every stage. Instructions in this regard have been issued to all detaining authorities and a careful check is also maintained on the progress of disposal of cases in the Secretariat."

SRI B. BHIMA RAO :—" May I know whether any additional Advisory Councils have been constituted by the Government to dispose of the cases of these detenus more expeditiously than at present? "

THE HON. SRI K. MADHAVA MENON :—" Yes, Sir. We have constituted an additional Advisory Council to dispose of cases quickly."

SRI B. BHIMA RAO :—" Will the Government please consider the advisability of having more Advisory Councils, at least 6—one for Rayalaseema where I believe there are not many detenus, and in the case of other districts at least one for two districts? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir. There is no necessity for more Councils now. There were delays of course before the constitution of the additional Council I have just mentioned. But now the cases are dealt with with utmost expedition."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, if the answer to clause (*b*) of my question is in the negative, why there should be any delay in intimating the grounds of detention to the person concerned? "

THE HON. SRI K. MADHAVA MENON :—" Generally, there were no delays, Sir. Delays have crept in only in a few cases, where they were unavoidable."

SRI R. SURYANARAYANA RAO :—" If there were no appreciable delays, Sir, may I know why the High Court had to draw the attention of the Government to delays in the communication of the grounds of detention to the detenus? "

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THE HON. SRI K. MADHAVA MENON :—" I have already said, Sir, that there were delays only in certain cases which were perhaps due to the pre-occupation of the district officials on more urgent and more important work. For instance, the District Magistrates in the border districts were not able to communicate the grounds of detention to the persons concerned in time during the Hyderabad trouble. Now there are no such delays and strict instructions have been issued to the District Magistrates to see that delays are avoided."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the orders mentioning the ground of detention are communicated to the persons concerned only if the Government authorize the District Magistrates to do so or the Magistrates can do so direct? "

THE HON. SRI K. MADHAVA MENON :—" No, Sir. The orders are communicated by the Government to the detenu concerned."

DR. V. K. JOHN :—" May I know, Sir, whether in cases in which the High Court has said there is illegality in the detention, Government have taken any action against any officers concerned with these illegal acts? "

THE HON. SRI K. MADHAVA MENON :—" There has been no fault on the part of the officers concerned. All that the High Court pointed out was that in certain cases in which the District Magistrates had issued orders of detention they were wrong. Evidently, the District Magistrates concerned did not realize this mistake at the time of issue of the orders. Even the Advisory Council, which comprises among others High Court Judges and the Advocate-General did not find anything wrong with such orders. Yet, the High Court pointed out certain mistakes in the orders issued by the District Magistrates. These have been codified and communicated to all the Magistrates and they have been instructed to follow the High Court's instructions strictly."

SRI R. SURYANARAYANA RAO :—" May I know, Sir, whether the Advisory Councils have at any time brought to the notice of the Government the inordinate delay in sending their remarks on the representations made by the detenus? "

THE HON. SRI K. MADHAVA MENON :—" The Advisory Council's views are confidential and in no case it has mentioned anything about the inordinate delay."

DR. V. K. JOHN :—" May I know, Sir, if the Government have always followed the advice of the Advisory Council or rejected them? "

THE HON. SRI K. MADHAVA MENON :—" The Council is given the highest respect that is due to them."

DR. V. K. JOHN :—" I want to know, Sir, whether the Government have rejected their advice in any case? "

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THE HON. SRI K. MADHAVA MENON :—" The advice of the Advisory Council is confidential, Sir, and therefore the relationship between the Government and the Advisory Council cannot be disclosed. Some of the members who constitute the Council are High Court Judges and naturally we give them the highest respect."

SRI R. SURYANARAYANA RAO :—" In view of the fact that Government have issued instructions to District Magistrates to avoid these unnecessary delays, may I know, Sir, if any provision is made in the Statute to enable the detenus to seek redress if there is unnecessary delay on the part of the District Magistrates? "

THE HON. SRI K. MADHAVA MENON :—" A Bill on this matter is coming before this House tomorrow or the day after, Sir, when the question can be discussed."

MR. PRESIDENT :—" Why tomorrow? To-day itself we can discuss it, if there is time."

Ante-natal clinics run by local authorities.

* 12 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Public Health be pleased to state whether provision has been made in the ante-natal clinics run by the local authorities to supply expectant mothers attending them with maternity packs and dressings for the lying-in period and, if not, whether the Government propose to issue necessary instructions regarding the same?

THE HON. DR. T. S. S. RAJAN :—" The answer to the first part is in the negative.

" Such provision being desirable, the question has already been taken up for examination with reference to the cost involved and the possibility of even trained expectant mothers not using the materials properly."

Alleged dispossession of land assigned to ex-servicemen.

* 13 Q.—MRS. M. N. CLUBWALA : Will the Hon. the Minister for Land Revenue be pleased to state whether cases of dispossessing ex-servicemen of Grow More Food land in favour of political sufferers have arisen and, if so, what redress has been given to the ex-servicemen?

THE HON. SRI H. SITARAMA REDDI :—" On certain complaints received by Government that lands leased to ex-servicemen under the Grow More Food Scheme were being taken away from them and assigned to political sufferers, the Government issued specific instructions to Collectors that ex-servicemen who were in occupation of lands under the Grow More Food Scheme or otherwise should under no circumstances be dispossessed of their lands if they are landless poor persons. The Collectors have also been